

### **REMARKS**

In this amendment, claims 1, 4, 10, 11, 12, 13 and 14 have been amended without the addition of new matter and Claims 6-9 and 18-24 have been canceled. Claims 25-29 have been added. Accordingly, claims 1-5, 10-17, and 25-29 remain pending.

### **§ 102(e) Rejection of Claims 1 and 2**

In the Final Office Action mailed November 30, 2008, the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated by Burr, Jr. (U.S. Patent No. 6,978,116.) Claim 1 has been amended without the addition of new matter to specifically claim what the Applicants believe is the subject matter of their invention. As amended, Applicants submit that Claim 1 is not anticipated by Burr, Jr. Specifically, Burr, Jr. does not teach a method for operating a radio station, including the following steps of periodically receiving or creating localized content files nor the use of an electronic schedule having at least one or more indicators when there is supposed to be a break or the radio station preselecting which, if any, of the localized content files will be played during a given break without regard for the length or amount of the localized content files; retrieving, playing and broadcasting at least some of the stored generic content files in accordance with an the electronic schedule until a break indicator appears at which time the preselected localized content files, if any, for that break are retrieved, played and broadcast until completed; seamlessly resuming retrieving, playing and broadcasting at least some of the stored generic content files without the need for resynchronization with the electronic schedule or dynamically resizing the content files; and repeating the process. In fact, using the method of the present invention as currently claimed in Amended Claim 1, all of the affiliates using the same programming will broadcast a common media stream.

Since claim 1, as currently amended, is not anticipated by Burr, Jr., and claim 2 is dependent on claim 1, it, likewise, is not anticipated by Burr.

Likewise, since Burr, Jr. does not teach all of the steps and system contained in pending claims 3-5, 10-17, and 25-29, as amended and/or added, these claims also are not anticipated by Burr, Jr.

**§ 103(a) Rejection of Claims 3-17 and 23-24**

In the Final Office Action, the Examiner also rejected claims 3-17 and 23 and 24 under 35 U.S.C. §103. Claims 6-9 and Claims 18-24 are being cancelled and therefore are withdrawn from consideration.

As set forth above, Burr, Jr. does not teach all of the elements of Claim 1, as amended. Insofar as amended Claims 3, 10 and 11 depend on amended Claim 1, and Claim 3, as originally submitted, depends on amended Claim 1, it is respectfully submitted that all are patentable over the prior art references cited by the Examiner, alone or in combination with Burr, Jr.

Likewise, it is respectfully submitted that independent Claim 4, as amended, is also patentable over the prior art. Specifically, Burr, Jr. does not teach, alone or in combination with any of the prior art references cited by the Examiner, a method for operating a radio station network, comprising periodically sending generic content files via a satellite downlink or an internet connection to affiliate radio stations; each affiliate radio station storing the generic content files and storing locally generated content files; generating and sending an electronic schedule having at least one or more indicators when there is supposed to be a break to each affiliate radio station;-each of the affiliate radio stations preselecting which, if any, of the locally generated content files will be played during a given break without regard for the length or amount of the locally generated content files; each of the affiliate radio stations retrieving,

playing and broadcasting at least some of the stored generic content files in accordance with the electronic schedule until a break indicator appears at which time the preselected locally generated content files, if any, for that break are retrieved, played and broadcast until completed, each of the affiliate radio stations seamlessly resuming retrieving, playing and broadcasting at least some of the stored generic content files without the need for resynchronization or dynamic resizing, and repeating the process. Insofar as Claim 5, as amended, depends on newly amended Claim 4, and amended claim 4 is believed to be patentable over the prior art cited by the Examiner, Claim 5 is also believed to be patentable over the prior art cited by the Examiner.

Likewise, it is respectfully submitted that independent Claim 12, as amended, is also patentable over the prior art. Specifically, Burr, Jr. does not teach, alone or in combination with any of the prior art references cited by the Examiner, a radio network, comprising a plurality of affiliate radio stations: a plurality of programming formats, each radio station preselecting which format it will use for its programming; a generic electronic schedule for all radio stations playing the same format; the electronic schedule having one or more indicators when there is supposed to be a break; a plurality of content files provided by the radio network capable of being downloaded by each of the affiliate radio stations, the content files being either localized for particular radio stations or generic for all radio stations playing the same format or a combination of both, the generic content files being capable of being downloaded and stored at any time without regard for scheduling; a content provider, linked to the plurality of affiliate radio stations via a satellite-based content delivery system, providing the plurality of content files to each of the affiliate radio stations-and providing each of the affiliate radio stations with the generic electronic schedule; each radio station having a first automation system which downloads the content files from the content provider applicable to the chosen format and stores them locally,

the first automation system sequentially retrieving, playing and broadcasting least some of the plurality of content files in accordance with the electronic schedule; wherein when the indicator for a break appears in the electronic schedule, each radio station may specify either that none or a preselected individualized amount and time length of locally generated content files shall be retrieved, played and broadcast; such that the first automation system stops sequentially executing the network originated generic content files and causes the locally originated content files of any time length or number which have been preselected by each station to be played during a particular break until they are completed; and wherein at the completion of the playback of the locally generated content files during a given break, the first automation system seamlessly resumes retrieving, playing and broadcasting the generic content files without the need for resynchronization or dynamic resizing.

Insofar as original Claims 13 and 15 - 17, amended Claim 14, and new claims 26-29 depend either directly or indirectly on newly amended Claim 12, and newly amended Claim 12 is believed to be patentable over the prior art, they, too, are patentable over the prior art.

Likewise, new Claim 25 is patentable over the prior art. Burr, Jr. does not teach, alone or in combination with any of the prior art references cited by the Examiner, a radio network, comprising: a plurality of affiliate radio stations; a plurality of programming formats, each radio station preselecting which format it will use for its programming; a generic electronic schedule for all radio stations playing the same format; the electronic schedule having one or more indicators when there is supposed to be a break; a plurality of content files provided by the radio network capable of being downloaded by each of the affiliate radio stations, the content files being either localized for particular radio stations or generic for all radio stations playing the same format or a combination of both, the generic content files being capable of being

downloaded and stored at any time without regard for scheduling; a content provider, linked to the plurality of affiliate radio stations via a satellite-based content delivery system, providing the plurality of content files to each of the affiliate radio stations and providing each of the affiliate radio stations with the generic electronic schedule; each radio station having a first automation system which downloads the content files from the content provider applicable to the chosen format and stores them locally, the first automation system sequentially retrieving, playing and broadcasting least some of the plurality of content files in accordance with the electronic schedule; each radio station having a second automation system for separately storing locally originated content; wherein each radio station may specify either that none or a preselected individualized amount and time length of locally generated content files shall be retrieved, played and broadcast during a given break such that when the indicator for a break appears in the electronic schedule, the first automation system stops sequentially executing the network originated generic content files and causes the locally originated content files of any time length or number which have been preselected by each station to be played during a particular break until they are completed; and wherein at the completion of the playback of the locally generated content files during a given break, the first automation system seamlessly resumes retrieving, playing and broadcasting the generic content files without the need for resynchronization or dynamic resizing.

### CONCLUSION

Accordingly, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Please charge any additional fees necessary to deposit account 10-0440.

Respectfully submitted,

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